REMARKS/ARGUMENTS

Claims 1-6 and 33 are pending in the present application. Claim 2 was amended; claim 5 was cancelled; and claim 33 was added. Applicants are not conceding, in this application, that the subject matter removed from the amended claims and/or in the canceled claims is not patentable over the art cited by the Examiner. The present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Reconsideration of the claims is respectfully requested.

I.   Examiner Interview

Applicants' representatives thank Examiner Tan for the courtesies extended during the telephonic interview on November 19, 2008. During the interview, the Examiner considered a proposed claim encompassing the subject matter now recited in claim 33. The Examiner indicated that the subject matter of claim 33 did not appear to be taught by Mayaud, U.S. Patent No. 7,072,840 B1 (hereinafter "Mayaud"). Additionally, the Examiner suggested that Applicants clarify claim 2 with regard to the second sorting area, which Applicants have done in this amendment. The substance of the interview is contained in the remarks below.

II.   35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(e) as being anticipated by Mayaud. This rejection is respectfully traversed.

In rejecting claim 1, the Examiner states:

> Claims 1-4, 6 (Graphical User Interface)
> 3-1. Regarding claims 1, 20, and 27, Mayaud teaches the claim comprising a first graphical user interface area for containing a first list of items to be sorted, by disclosing a data management system useful in the production of product specification documents that require detailed product and history information from multiple extensive information sources *[column 1, lines 15-27]*. A first list of items *[column 34, lines 17-33]* may correspond to a complete list of conditions used when adding new conditions to a patient's record when a problems button 50 is selected *[column 19, lines 45-58]* or when selecting a condition using button 86 *[column 25, lines 56-59]*.

Mayaud teaches a second graphical user interface area for containing a second list of participants, by disclosing a patient selection screen shown in *[figure 2]*.

Mayaud teaches a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, by disclosing a list of currently active conditions 51 *[column 19, lines 45-47; figure 3]* and a list of conditions 86 with prescriptions *[column 20, lines 11-20; figure 3]*. This list of active conditions 51 and conditions 86 are selected from a chosen first list *[column 34, lines 17-33]*. Once an item is added from the chosen list, it may be sorted *[column 42, lines 62-64]*. Further, items from a chosen list may be personalized such that selected items are removed *[column 37, lines 36-39]*. Mayaud teaches each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants, by disclosing that when a patient is selected, the lists of information corresponding to that patient will be displayed *[column 19, line 29 to column 20, line 58]*. The lists are made by selection from a user *[column 20, lines 59-63; column 26, lines 12-15]*. Additionally, the lists displayed when selecting a drug for a particular condition correspond to the participant that was selected *[column 34, lines 17-33]*.

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Claim 1 recites as follows:

1.   A graphical user interface for use in a data processing system for facilitating data entry for cluster analysis, the graphical user interface comprising:

a first graphical user interface area for containing a first list of items to be sorted;

a second graphical user interface area for containing a second list of participants; and

a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, and wherein each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not identically shown in Mayaud, arranged as they are in the claims, and, accordingly, Mayaud does not anticipate the claims. Specifically, Mayaud fails to teach "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants."

The Examiner cites to the following portions of Mayaud to support the rejection:
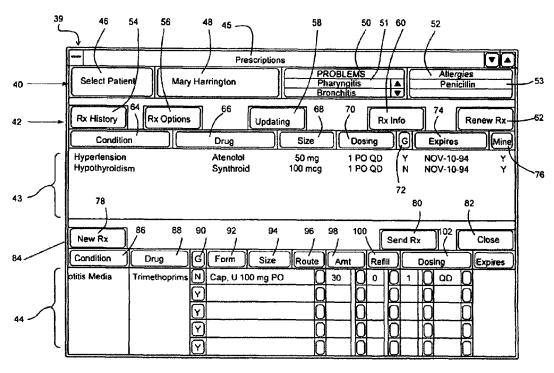

FIGURE 3

Mayaud, Fig. 3.

Beneath Problems button 50 are displayed Mary Harrington's currently active problems 51 or conditions, shown here as pharyngitis and bronchitis.

Mayaud, col. 19, lines 45-47.

Prescribing zone 44 comprises three active buttons, New Rx button 78, Send Rx button 80 and Close button 82, below which extends a prescribing header bar 84 which contains field identifiers for data entry of a full complement of prescription details. Available prescription detail fields comprise a Condition field 86, a Drug field 88, a Generic field 90, a Form field 92, a Size field 94, a Route field 96, an Amt (Amount) field 98, a Refill field 100, a Dosing field 102 and an Expires field 104.

Mayaud, col. 20, lines 11-20.

Multiple different Condition Lists 114 are available in this embodiment to provide a range of choices to physicians, and six are shown, by way of example. Three of these lists 114 classify conditions broadly by diagnosis (Dx) and comprise a system-maintained Dx-Personal list 114, an alphabetically organized Dx-Alphabetic list 114 of all conditions in the system and a Dx-Category list 114. Dx-Category list 114 lists conditions by broad therapeutic category such as cardiovascular, GI or dermatology. A fourth condition, problem or diagnosis list, Dx-Patient list 114 lists previously exhibited conditions or problems of the selected patient, in this case, Mary Harrington. Dx-Patient list 114 is system maintained (and manually supplementable) and changes according to the patient selected in the patient-selection screen of FIG. 2. Dx-Personal list 114 is also system maintained (and manually supplementable) and changes according to which prescriber signs on.

Mayaud, col. 34, lines 17-33.

The problem list can be sorted by header selection and preferably presents active problems at the top of the list by default.

Mayaud, col. 42, lines 62-64.

(A physician can of course edit their personal list to remove drugs that proved unsatisfactory for some reason or another, whether therapeutic or not, or they can be removed automatically based on decreasing frequency of use.)

Mayaud, col. 37, lines 36-39.

The Examiner also included the following comments with regard to the cited portions of Mayaud:

> Mayaud teaches a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, by disclosing a list of currently active conditions 51 *[column 19, lines 45-47; figure 3]* and a list of conditions 86 with prescriptions *[column 20, lines 11-20; figure 3]*. This list of active conditions 51 and conditions 86 are selected from a chosen first list *[column 34, lines 17-33]*. Once an item is added from the chosen list, it may be sorted *[column 42, lines 62-64]*. Further, items from a chosen list may be personalized such that selected items are removed *[column 37, lines 36-39]*.

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Mayaud is directed generally to a prescription management system embodied in a graphical interface. The cited portions of Mayaud teach a list of currently active patient conditions and a list of conditions with prescriptions. Assuming, *arguendo*, the Examiner's assertion that the active conditions list and condition list are both selected from a chosen first list (the DX lists) is true, Mayaud still does not disclose "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants," for two reasons.
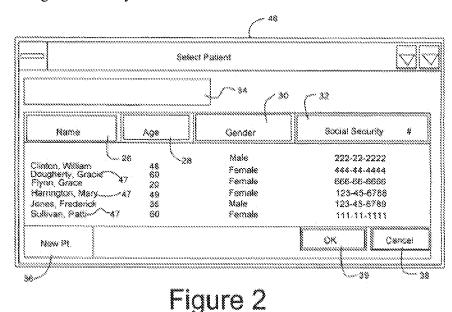
The first reason Mayaud does not disclose "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants," is that neither the condition list nor the active conditions list disclosed by Mayaud and discussed above comprise at least one item that is selected and removed from the first list of items. Mayaud discloses only that the items in a physician's personal list of conditions may be removed at the preference of a physician. Having an item in the active conditions list under Mayaud does not remove the condition from the doctor's personal list. Therefore, Mayaud does not teach "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants."

The second reason Mayaud does not disclose "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants," is that neither the condition list nor the active conditions list disclosed by Mayaud and discussed above comprise at least one item selected and removed from the first list of items *by a participant in the second list of participants*. When asserting that Mayaud teaches the second list of participants, the Examiner states the following:

> Mayaud teaches a second graphical user interface area for containing a second list of participants, by disclosing a patient selection screen shown in [figure 2].

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The Examiner asserts that the second list of participants is taught by Mayaud's patient selection screen. Figure 2 of Mayaud is as follows:

Figure 2

Mayaud's patient selection screen is simply a list of patients in the prescription management system taught by Mayaud. Assuming, *arguendo*, that the second list of participants recited in claim 1 is the same as Mayaud's patient selection screen, as suggested by the Examiner, then Mayaud cannot anticipate "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants," because nowhere does Mayaud disclose that the items in the condition list were removed by a patient in the patient list. Therefore, Mayaud does not disclose "wherein each of the plurality of third lists of items comprises at least one item selected and removed from

the first list of items by a participant in the second list of participants." Because Mayaud does not disclose all the elements of claim 1, Mayaud does not anticipate the invention of claim 1.

In rejecting the presently amended claim 2, the Examiner states:

> 3-2. Regarding claim 2, Mayaud teaches the claim with respect to claim 1, further comprising a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for sorting and displaying at least one grouping of third lists of items of the corresponding plurality of third lists of items displayed in the third graphical user interface area, by disclosing a Dx-Patient list that lists previously exhibited conditions or problems of the selected patient *[column 34, lines 26-33]* as well as any new conditions that are selected *[column 34, lines 45-51]*. The Dx-Patient list may be sorted *[column 21, lines 24-29]*.

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Amended claim 2 recites as follows:

> 2.   The graphical user interface as recited in claim 1, further comprising:
> a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for creating a plurality of groups of third lists of items from the plurality of third lists of items and sorting the plurality of groups of third lists of items at a group level.

Amended claim 2 has been clarified, as requested by the Examiner, to further highlight the claimed invention. Amended claim 2 is not anticipated by Mayaud because Mayaud does not disclose or suggest "a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for creating a plurality of groups of third lists of items from the plurality of third lists of items and sorting the plurality of groups of third lists of items at a group level."

The Examiner supported the rejection of claim 2, as presented prior to this amendment, with the following portions of Mayaud:

> A fourth condition, problem or diagnosis list, Dx-Patient list 114 lists previously exhibited conditions or problems of the selected patient, in this case, Mary Harrington. Dx-Patient list 114 is system maintained (and manually supplementable) and changes according to the patient selected in the patient-selection screen of FIG. 2. Dx-Personal list 114 is also system maintained (and manually supplementable) and changes according to which prescriber signs on.

Mayaud, col. 34, lines 26-33.

> Preferably, any time a new diagnosis is made, the new condition encountered is placed in the user's Dx-Personal list 114 and any time a drug is chosen it is placed in a personal drug list for the user. The first time either a condition or a drug is selected, it is added to a user profile stored on the network, for example, at the host computer facility.

Mayaud, col. 34, lines 45-51.

> Pressing header buttons Condition 64, Drug 66, or Expires 74 causes the drug history display to be sorted by the selected header enabling the prescription history to be evaluated according to a particular parameter. This feature is of particular value for patients with long and complex treatment histories.

Mayaud, col. 21, lines 24-29.

The cited portions of Mayaud disclose lists of conditions that contain either previously exhibited conditions of a patient or newly encountered conditions. Contrary to the Examiner's comments, the cited portions of Mayaud only disclose the sorting of the drug history display, not the Dx-Patient list. Additionally, however, Mayaud only discloses sorting the items of the drug history list according to some parameters. Nowhere does Mayaud disclose "a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for creating *a plurality of groups of third lists* of items from the plurality of third lists of items and *sorting* the plurality of groups of third lists of items *at a group level.*" Therefore, amended claim 2 is not anticipated by Mayaud.

Since claims 2-4 and 6 depend from claim 1, at least the same distinctions exist between Mayaud and the claimed invention in claims 2-4 and 6 as between Mayaud and claim 1. Additionally, claims 2-4 and 6 claim other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 1-4 and 6 have been overcome.

III.   **35 U.S.C. § 103, Obviousness**

The Examiner has rejected claim 5 under 35 U.S.C. § 103 as being unpatentable over Mayaud and Applicants' admission of prior art. Applicants have cancelled claim 5, thereby making the rejection moot.

IV.   New Claim 33

As discussed above, Mayaud does not teach all of the features of independent claim 1. Therefore, Mayaud does not teach the features of new claim 33 at least by virtue of its dependency on claim 1. In addition, Mayaud does not teach or suggest "selecting and removing at least one item from the first list of items by the participant in the second list of participants is performed by dragging the item from the first list of items to a one of the plurality of third lists," as recited in new claim 33.

The subject matter recited in claim 33 was presented to the Examiner prior to the telephonic interview. During the interview, the Examiner indicated that the claimed feature did not appear to be taught by Mayaud. Applicants believe that new claim 33, as well as the other claims presented herein, are in allowable condition.

V.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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